
SUBSTITUTE SENATE BILL 5316

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove, Stevens and Regala)

READ FIRST TIME 02/13/07.

1 AN ACT Relating to day-care insurance; and amending RCW 43.215.535.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 43.215.535 and 2005 c 473 s 7 are each amended to read
4 as follows:

5 (1) Every licensed child day-care center shall, at the time of
6 licensure or renewal and at any inspection, provide to the department
7 proof that the licensee has day-care insurance as defined in RCW
8 48.88.020, or is self-insured pursuant to chapter 48.90 RCW.

9 (a) Every licensed child day-care center shall comply with the
10 following requirements:

11 (i) Notify the department when coverage has been terminated;

12 (ii) Post at the day-care center, in a manner likely to be observed
13 by patrons, notice that coverage has lapsed or been terminated;

14 (iii) Provide written notice to parents that coverage has lapsed or
15 terminated within thirty days of lapse or termination.

16 (b) Liability limits under this subsection shall be the same as set
17 forth in RCW 48.88.050.

18 (c) The department may take action as provided in RCW 74.15.130 if

1 the licensee fails to maintain in full force and effect the insurance
2 required by this subsection.

3 (d) This subsection applies to child day-care centers holding
4 licenses, initial licenses, and probationary licenses under this
5 chapter.

6 (e) A child day-care center holding a license under this chapter on
7 July 24, 2005, is not required to be in compliance with this subsection
8 until the time of renewal of the license or until January 1, 2006,
9 whichever is sooner.

10 (2)(a) Every licensed family day-care provider shall, at the time
11 of licensure or renewal either:

12 (i) Provide to the department proof that the licensee has day-care
13 insurance as defined in RCW 48.88.020, or other applicable insurance;
14 or

15 (ii) Provide written notice of their insurance status on a standard
16 form developed by the department to parents with a child enrolled in
17 family day care and keep a copy of the notice to each parent on file.
18 Family day-care providers may choose to opt out of the requirement to
19 have day care or other applicable insurance but must provide written
20 notice of their insurance status to parents with a child enrolled and
21 shall not be subject to the requirements of (b)((~~7~~)) or (c)((~~7~~ or (~~d~~)))
22 of this subsection.

23 (b) Any licensed family day-care provider that provides to the
24 department proof that the licensee has insurance as provided under
25 (a)(i) of this subsection shall comply with the following requirements:

26 (i) Notify the department when coverage has been terminated;

27 (ii) Post at the day-care home, in a manner likely to be observed
28 by patrons, notice that coverage has lapsed or been terminated;

29 (iii) Provide written notice to parents that coverage has lapsed or
30 terminated within thirty days of lapse or termination.

31 (c) Liability limits under (a)(i) of this subsection shall be the
32 same as set forth in RCW 48.88.050.

33 (d) The department may take action as provided in RCW 74.15.130 if
34 the licensee fails to ((~~notify the department when coverage has been~~
35 ~~terminated as required under (b))~~) comply with the requirements of this
36 subsection.

37 (e) A family day-care provider holding a license under this chapter

1 on July 24, 2005, is not required to be in compliance with this
2 subsection until the time of renewal of the license or until January 1,
3 2006, whichever is sooner.

4 (3) Noncompliance or compliance with the provisions of this section
5 shall not constitute evidence of liability or nonliability in any
6 injury litigation.

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